

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Griffin Sherbert	Team: Squad #8	CCRB Case #: 201709537	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Thursday, 11/02/2017 9:30 AM	Location of Incident: 209 Joralemon Street	Precinct: 84	18 Mo. SOL 5/2/2019	EO SOL 5/2/2019	
Date/Time CV Reported Fri, 11/03/2017 11:13 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 11/03/2017 11:13 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POF Troyann Safi	02307	929106	084 PCT
2. Officers			084 PCT
3. POF Sorely Nunez	08976	957907	084 PCT
4. POM Michael Gargano	24508	938534	084 PCT
5. SGT Peter Ahn	01234	948594	084 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT Anthony Correia	02149	925124	084 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POF Troyann Safi	Force: Police Officer Troyann Safi used physical force against § 87(2)(b)	
B.POF Troyann Safi	Force: Police Officer Troyann Safi used a chokehold against § 87(2)(b)	
C.POF Troyann Safi	Abuse: Police Officer Troyann Safi damaged § 87(2)(b)'s property.	
D.POF Sorely Nunez	Force: Police Officer Sorely Nunez used physical force against § 87(2)(b)	
E.POM Michael Gargano	Force: Police Officer Michael Gargano used physical force against § 87(2)(b)	
F. Officers	Force: Officers used physical force against § 87(2)(b)	
G.SGT Peter Ahn	Abuse: Sergeant Peter Ahn authorized the strip-search of § 87(2)(b)	

### Case Summary

On November 3, 2017, § 87(2)(b) called the CCRB and filed this complaint.

On November 2, 2017, at approximately 9:30 a.m., § 87(2)(b) entered Brooklyn Borough Hall, located at 209 Joralemon Street in Brooklyn, when Police Officer Troyann Safi of the 84<sup>th</sup> Precinct, allegedly engaged in a physical struggle with § 87(2)(b) (**Allegations A: Force, § 87(2)(g)**), choked and restricted § 87(2)(b)'s breathing, and damaged her clothing (**Allegations B and C: Force and Abuse of Authority, § 87(2)(g)**). Police Officer Sorely Nunez and Police Officer Michael Gargano approached § 87(2)(b) allegedly attempted to break her arms while handcuffing her, and dragged her inside of Brooklyn Borough Hall (**Allegations D and E: Force, § 87(2)(g)**). Once inside, an unknown amount of officers allegedly kicked her legs and the right side of her abdomen, and slammed her head against the wall (**Allegation F: Force, § 87(2)(g)**). § 87(2)(b) was transported to the 84<sup>th</sup> Precinct stationhouse, wherein it is alleged that Sergeant Peter Ahn of the 84<sup>th</sup> Precinct, authorized a strip-search of her (**Allegation G: Abuse of Authority, § 87(2)(g)**). PO Safi issued § 87(2)(b) three summonses for § 87(2)(b) and was released from the 84<sup>th</sup> Precinct stationhouse.

There is no video evidence for this case.

§ 87(2)(g)

### Findings and Recommendations

**Allegation A—Force: Police Officer Troyann Safi used physical force against § 87(2)(b)**

**Allegation B—Force: Police Officer Troyann Safi used a chokehold against § 87(2)(b)**

**Allegation C—Abuse of Authority: Police Officer Troyann Safi damaged § 87(2)(b)'s property.**

On November 3, 2017, § 87(2)(b) called the CCRB, filed this complaint (Board Review 02), and was scheduled to appear on November 6, 2017, for an interview appointment. § 87(2)(g)

§ 87(2)(g)

On November 15, 2017, the CCRB received § 87(2)(b)'s notarized statement (Board Review 01). On November 17, 2017, § 87(2)(b) was called and answered follow up questions in regards to her notarized statement (Board Review 03).

In her initial phone statement to the CCRB, § 87(2)(b) stated that on an unknown date approximately a month prior to the incident date, she went to Brooklyn Borough Hall (“BBH”), located at 209 Joralemon Street in Brooklyn, to inquire about an event she had created, “§ 87(2)(b),” which was planned to take place at BBH on November 16, 2017 (Board Review 02). § 87(2)(b) stated that, on the unknown date prior to the incident, she was stopped in the lobby by PO Safi, who told her that she was not allowed to enter as she on the building’s Do Not Admit list. On November 2, 2017, § 87(2)(b) stated that she returned to BBH after receiving an email from the staff in regards to her event, and upon entering, PO Safi immediately came out from behind the front desk, choked her with the scarf she had around her neck, choked her with her hands, and ripped her clothing off (Board Review 02).

In her notarized written statement, § 87(2)(b) said that at approximately 9:30 a.m., she entered BBH to leave a note for § 87(2)(b) an employee of BBH, regarding the upcoming event she had planned (Board Review 01). Upon entering, § 87(2)(b) approached PO Safi at the front desk and informed her that she would like to leave a note for § 87(2)(b). PO Safi allegedly came out from behind the desk, called for backup, restrained § 87(2)(b) and told her that she was not going to leave BBH. § 87(2)(b) said that she and PO Safi engaged in a physical struggle, wherein PO Safi grabbed and damaged a scarf that was around her neck. No further information was provided regarding the above noted allegation in § 87(2)(b)'s notarized statement.

In the follow up phone call with § 87(2)(b) regarding her notarized statement, § 87(2)(b) said that she did not know why PO Safi immediately restrained her upon entering BBH, and denied that she or PO Safi made any statements to each other during the entirety of the incident (Board Review 03). § 87(2)(b) could not remember what the physical struggle between her and PO Safi consisted of, and could not remember what specific damage PO Safi caused to her clothing. When asked about PO Safi allegedly choking her, and the omission of the allegation in her notarized statement, § 87(2)(b) stated, "Oh! Well if it's not then it's ok. Anything that's in the video footage I'll explain when we go before a judge." § 87(2)(b) said that she did not remember at which point PO Safi allegedly choked her, and when asked if PO Safi choked her with her hands or if it occurred in some other way, § 87(2)(b) raised her voice and stated, "I told you I don't remember! So what are you going to ask me? Can you hear me or is it a bad reception?" § 87(2)(b) did not know at what point she exited BBH, or if she had exited BBH at all.

§ 87(2)(b) an independent witness, who neither knew nor had any interaction with § 87(2)(b) originally filed a complaint of this incident (CCRB #201709073) on behalf of § 87(2)(b) as well as a separate incident involving two of the officers present and herself in which she was the victim. § 87(2)(b) filed this complaint the day after § 87(2)(b) § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b) was passing in front of BBH on her way to an appointment when she witnessed § 87(2)(b) and PO Safi engaged in a physical struggle (Board Review 04). § 87(2)(b) observed PO Safi holding onto § 87(2)(b) with one hand on § 87(2)(b)'s arm and the other hand on a duffel bag § 87(2)(b) was holding. § 87(2)(b) saw PO Safi pulling on the duffel bag, and heard § 87(2)(b) state, "Get off me! I didn't do anything! You're hurting me!" § 87(2)(b) did not witness PO Safi choke § 87(2)(b) or damage her clothing.

§ 87(2)(b) § 87(2)(b) stated that when she arrived to work she observed the front door of BBH burst open as PO Safi escorted § 87(2)(b) out of the building (Board Review 05). PO Safi led § 87(2)(b) outside by holding one of her biceps. § 87(2)(b) denied that PO Safi dragged § 87(2)(b) and although she could not definitively say that § 87(2)(b) was resisting, she stated that § 87(2)(b) was not cooperative with PO Safi and that they were engaged in a little struggle. § 87(2)(b) acknowledged that § 87(2)(b) was on BBH's Do Not Admit list, due to concerning interactions § 87(2)(b) has previously had with the employees of BBH.

§ 87(2)(b) a § 87(2)(b) § 87(2)(b), did not witness or learn what, if anything, occurred between § 87(2)(b) and NYPD

officers on November 2, 2017, in the vicinity of BBH (Board Review 06). § 87(2)(b) acknowledged that § 87(2)(b) is on the BBH's Do Not Admit list, and stated that she has been on the list for at least the entirety of 2017. § 87(2)(b) did not have any record or independent knowledge of a scheduled meeting with § 87(2)(b) on November 2, 2017.

Summonses #§ 87(2)(b) and #§ 87(2)(b) prepared by PO Safi and issued to § 87(2)(b) in sum and substance report that § 87(2)(b) was informed on "numerous occasions" that she was not allowed to enter BBH, and was asked to leave BBH due to the interactions that she has had with staffers, wherein she caused public alarm as well as fear for their safety (Board Review 07). PO Safi reported in both summonses that § 87(2)(b) stated in her presence, "I'm not leaving. Bill de Blasio said I don't have to leave."

PO Safi stated that § 87(2)(b) had an "aggressive personality" when she entered BBH on November 2, 2017 (Board Review 08), and demanded to speak with § 87(2)(b) at the time. PO Safi has been assigned to BBH Front Desk Security for the past two years, and has interacted with § 87(2)(b) on numerous occasions prior to the incident date. § 87(2)(b) has told PO Safi that she is on medication, and explained that when § 87(2)(b) does not take her medication, her personality changes.

Based upon her prior knowledge of § 87(2)(b) PO Safi informed § 87(2)(b) that § 87(2)(b) was unavailable. § 87(2)(b) told PO Safi that she was going to have her event at BBH, and dropped a large bag she had with her on the windowsill. PO Safi asked § 87(2)(b) if there was anything else she could help her with, and § 87(2)(b) began yelling and screaming in regards to her name being on "a list." PO Safi informed § 87(2)(b) that she was in fact on the BBH's Do Not Admit list, and that it barred her from being allowed inside. § 87(2)(b) was placed on the Do Not Admit list because BBH staffers did not feel safe around her, and during an internal investigation at BBH, a photo of a firearm was found on § 87(2)(b)'s Facebook page.

PO Safi told § 87(2)(b) that she would need to leave. § 87(2)(b) began yelling and screaming again, and approximately five BBH staffers in the vicinity become visibly alarmed. PO Safi asked § 87(2)(b) to leave a second time, came around her desk, approached § 87(2)(b) gently held her by the elbow, and began escorting her from the building. § 87(2)(b) was non-compliant, threw her arms in the air, screamed "Don't touch me!" and began pushing PO Safi in an attempt to remain within BBH. During the struggle, PO Safi's radio popped out of its holder and fell into § 87(2)(b)'s bag. PO Safi and § 87(2)(b) paused and looked at each other like "two deer in headlights," and PO Safi told her, "Ma'am, now you can't leave. You have my department radio." Once § 87(2)(b) had seen PO Safi's radio fall into her bag, she attempted to run out of BBH, but PO Safi grabbed § 87(2)(b)'s bag and shoulder, and the two pushed and pulled each other through the front doors of BBH.

Once outside, PO Safi retrieved her radio from § 87(2)(b)'s bag and called for additional units. PO Safi could not recall § 87(2)(b) being in possession of any glass object, and did not recall if § 87(2)(b) was wearing a scarf. PO Safi denied that she or any officer choked § 87(2)(b) with or without a scarf, denied that § 87(2)(b) stated she could not breathe at any point during the incident, and denied that § 87(2)(b) sustained any cuts or lacerations on her hands from any glass object.

Officers are directed to use de-escalation techniques to safely gain voluntary compliance from a subject to reduce or eliminate the necessity to use force. In situations in which this is not safe and/or appropriate, officers will only use the reasonable force necessary to gain control or custody of a subject. In determining whether the use of force is reasonable, officers should consider a number of factors, including, but not limited to, the nature and severity of the crime or

circumstances, actions taken by the subject, duration of the action, whether the subject is actively resisting custody, and whether the subject is attempting to evade arrest by flight. Patrol Guide, Procedure 221-01 (Board Review 11).

§ 87(2)(g)

§ 87(2)(g)

PO Safi denied that any officer employed a chokehold against § 87(2)(b) none of the independent witnesses observed § 87(2)(b) being choked by any officer, and § 87(2)(b) herself omitted the allegation in her notarized statement and refused to explain or answer any questions in regards to allegedly being choked either by PO Safi's hands or by PO Safi pulling on her scarf.

Although § 87(2)(b) alleged in separate statements that PO Safi damaged her scarf and ripped her clothes off, § 87(2)(b) did not remember what damage was caused, and refused to provide explanation or context. PO Safi did not recall if § 87(2)(b) was wearing a scarf at the time, but denied pulling on or choking § 87(2)(b) with or without a scarf, and denied that § 87(2)(b)'s clothing was ripped, torn, or damaged.

§ 87(2)(g)

**Allegation D—Force: Police Officer Sorely Nunez used physical force against § 87(2)(b)**

**Allegation E—Force: Police Officer Michael Gargano used physical force against § 87(2)(b)**

In her initial phone statement, § 87(2)(b) stated that PO Safi must have called for backup because shortly after they exited BBH, two male officers approached, handcuffed her, and attempted to break her arm (Board Review 02). § 87(2)(b) stated that the two male officers forcefully removed her backpack and the items she was holding in her hands, put their weight on her and pushed her back and forth while she was handcuffed. § 87(2)(b) stated that she did not struggle with the two officers and that they dragged her inside BBH.

In her notarized written statement, § 87(2)(b) stated that in the midst of the struggle with PO Safi outside of BBH, two male officers ran up to her and handcuffed her despite there being broken glass in her hands (Board Review 01). Once handcuffed, the two officers allegedly twisted § 87(2)(b)'s wrist, attempted to break her arm, and dragged her inside of BBH.

In the follow up call regarding her notarized statement, § 87(2)(b) did not remember if she was handcuffed before or after being dragged by the two officers, who she described in identical terms as white males, who stood approximately 6'0" tall, weighed between 250 and 300 pounds, and were dressed in uniform (Board Review 03). § 87(2)(b) could not distinguish between the two male officers. § 87(2)(b) did not remember and refused to state what the "glass

object” was, or how it came to be broken. § 87(2)(b) did not remember whether the two male officers twisted her wrist and attempted to break her arm inside or outside of BBH. When asked for further information regarding what specific physical actions the two male officers took when they twisted her wrist and attempted to break her arm, § 87(2)(b) stated, “What I wrote is my words. If you can’t visually get a picture of someone trying to break your arm then I don’t know to say.” § 87(2)(b) refused to provide any further information regarding the two male officers’ actions.

§ 87(2)(b) stated that approximately one minute after PO Safi made a call on her radio, PO Nunez and PO Gargano approached § 87(2)(b) and assisted PO Safi in restraining her (Board Review 04). § 87(2)(b) described § 87(2)(b)’s physical interaction with the officers as trying to get out of the officers’ hold and flailing her arms. § 87(2)(b) could not remember if the officers issued any commands to § 87(2)(b) and did not recall § 87(2)(b) ever being on, or being forcibly brought, to the ground. Between 10 and 15 additional officers responded and all of them assisted in escorting § 87(2)(b) inside BBH.

PO Safi stated that PO Nunez and PO Gargano responded quickly to her radio call as they were right around the corner from BBH (Board Review 08). PO Nunez and PO Gargano approached her and § 87(2)(b) and assisted in gaining control of § 87(2)(b) who was fighting with the officers by pushing and kicking at them. PO Nunez and PO Gargano issued commands to § 87(2)(b) but PO Safi could not recall specifically what they said. PO Safi made a second call for additional units. Shortly thereafter, PO Nunez and PO Gargano handcuffed § 87(2)(b) who was yelling and screaming at the officers and causing visible alarm to approximately 25 civilian passersby outside of BBH. PO Safi did not recall § 87(2)(b) being in possession of any glass object. PO Safi and the other officers escorted § 87(2)(b) inside of BBH to calm her down.

PO Nunez stated that upon her and PO Gargano’s arrival, she observed § 87(2)(b) “throwing hands” and arguing with PO Safi outside of BBH (Board Review 09). PO Nunez and PO Gargano ran over and each grabbed one of § 87(2)(b)’s arms, and ordered her to stop resisting, however, § 87(2)(b) refused to comply and continued to physically fight with the officers. PO Nunez told § 87(2)(b) that she needed to be brought inside BBH so that the officers could speak with her. § 87(2)(b) said she did not want to speak with them and refused to go inside. PO Nunez did not handcuff § 87(2)(b) but one of the additional officers who responded handcuffed her. PO Nunez denied that § 87(2)(b) was ever in possession of a glass object, and denied that § 87(2)(b) was dragged into BBH or ever refused to stand on her own. After § 87(2)(b) was handcuffed, PO Nunez and the other officers escorted her inside. Holding onto one of § 87(2)(b)’s arms and escorting her into BBH was the extent of the physicality PO Nunez had with § 87(2)(b).

Requests to IAB for any and all AIDED reports, TRI reports, and ISA reports, generated in regards to this incident, were all returned with negative results (Board Review 10).

An officer may use force when it is reasonable to ensure the safety of a member of service, a third person, or otherwise protect life, or when it is reasonable to place a person in custody or to prevent escape from custody. Officers will use only the reasonable force necessary to gain control or custody of the subject. In determining whether the use of force is reasonable, officers should consider a number of factors, including, but not limited to, the nature and severity of the crime or circumstances, actions taken by the subject, duration of the action, whether the subject is actively resisting custody, and whether the subject is attempting to evade arrest by flight. Patrol Guide, Procedure 221-01 (Board Review 11).

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

**Allegation F—Force: Officers used physical force against § 87(2)(b)**

In her initial phone statement, § 87(2)(b) alleged that once inside BBH, 10 male officers took turns kicking her legs, hitting her head against the wall, and attempting to break her arms (Board Review 02). § 87(2)(b) stated that she could not describe the officers as she had her back towards them. § 87(2)(b) spoke to a sergeant and told him what had happened, and was then transported to the 84<sup>th</sup> Precinct stationhouse.

In her notarized written statement, § 87(2)(b) stated that after she had been brought inside BBH, an officer allegedly twisted her wrist, attempted to break her arm, and banged her head against the wall (Board Review 01). § 87(2)(b) called out to PO Nunez for help and stated the officers were hurting her arm. PO Nunez allegedly told the officer to ease up on § 87(2)(b) as she is a female. § 87(2)(b) stated that the same officer then kicked her “right side” and her legs, and that her view was limited at the time because she was facing the wall.

In the follow up call regarding her notarized statement, § 87(2)(b) stated that the two male officers who allegedly used force against her outside of BBH, and an unknown amount of other officers were responsible for using force against her, although she could not describe what actions the officers took as she was faced away from them (Board Review 03). § 87(2)(b) said the officers were trying to break her arm and kicking her, but could not provide any specific details or descriptions regarding the type of force used.

PO Safi stated that once § 87(2)(b) had been brought inside she called for a sergeant to respond (Board Review 08). § 87(2)(b) continued to yell inside of BBH. PO Safi denied that the officers reacted or responded to § 87(2)(b)'s behavior and waited for the sergeant to respond. PO Safi denied that any officer struck, kicked, or employed any use of force against § 87(2)(b) inside of BBH. Sgt. Anthony Correia of the 84<sup>th</sup> Precinct responded and made the decision to transport § 87(2)(b) to the 84<sup>th</sup> Precinct stationhouse.

§ 87(2)(g) PO Nunez stated that § 87(2)(b) continued to yell inside of BBH, but calmed down after several minutes (Board





§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

#### **Civilian and Officer CCRB Histories**

- This is the first complaint that § 87(2)(b) has been party to.
- PO Safi, a 17-year-member-of-service, has had three prior CCRB complaints filed against her, with a total of five allegations, none of which were substantiated. § 87(2)(g)
- PO Nunez, a three-year-member-of-service, has not had any prior CCRB complaints filed against her. This is PO Nunez's first CCRB complaint.
- PO Gargano, a 13-year-member-of-service, has had one prior CCRB complaint filed against him, with a total of one allegation, which was not substantiated. § 87(2)(g)
- Sgt. Ahn, an eight-year-member-of-service, has had four prior CCRB complaints filed against him, with a total of 10 allegations, one of which was substantiated.
  - In CCRB #201607604, a threat of arrest allegation was substantiated against Sgt. Ahn. The CCRB recommended formalized training as a penalty, and the NYPD concurred.

#### **Mediation, Civil and Criminal Histories**

- This case was unsuitable for mediation.
- As of April 10, 2018, § 87(2)(b) has not filed a Notice of Claim with the NYC Comptroller's Office in regards to this incident Board Review 14).
- § 87(2)(b)

Squad No.: 8

Investigator:	_____	_____	_____
	Signature	Print Title & Name	Date

Squad Leader:	_____	_____	_____
	Signature	Print Title & Name	Date

Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date